IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 36817 of 2007(G)

PETITIONER:

K.O.VARKEY, AGED 72 YEARS,
S/O.JOSEPH, KOORAMATTAHIL, KOOVAPPILLY P.O.,
KANJIRAPPALLY.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.P.P.BIJU

RESPONDENTS:
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1. **THE GOVERNMENT OF KERALA, REP. BY**
   THE COMMISSIONER AND SECRETARY,
   FOREST AND WILD LIFE (A) DEPARTMENT,
   THIRUVANANTHAPURAM.

2. **THE CHIEF CONSERVATOR OF FORESTS**
   (PROTECTION), THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 36817 of 2007

Dated this the 13th December, 2007

J U D G M E N T

The petitioner is aggrieved by Exhibit-P6 order passed by the Chief Conservator of Forests deciding to impose a penalty of withholding of 1/3rd of the pension of the petitioner for a period of two years from the date of his retirement. There is also a direction that the suspension period from 9.10.1982 to 31.5.1990 shall be treated as duty for all purposes except for the purpose of calculation of earned leave. The salary for the said period was limited to subsistence allowance, as already decided earlier.

In my view, the petitioner has an efficacious remedy before the Government as against Exhibit-P6. If the petitioner files an appeal/revision against Exhibit-P6 before the 1st respondent, within two weeks from today, the same shall be treated as within time and appropriate decision, in accordance with law, shall be taken, after hearing the petitioner, within a period of three months thereafter.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007